

COMMISSION MEETING

THURSDAY, FEBRUARY 17, 2011

PRESENT: **NANCY CARTMILL, PRESIDENT**
ROBERT L. BAILEY, COMMISSIONER
ANNE YON, COMMISSIONER
WILLIAM WATSON, COUNTY ATTORNEY
CHRIS TATUM, COUNTY MANAGER
RHONDA MONTANEZ, PURCHASING ASSISTANT

Nancy Cartmill, President, called the regular meeting of the Cabell County Commission to order at 10:00 a.m.

APPROVE:

Chris Tatum, County Manager, informed the Commission that two items needed to be added to the agenda. Mr. Tatum stated the first item would be a bid opening for security equipment for the Courthouse and a petty cash fund for the office of Grants, Planning and Permits.

Robert L. Bailey, Commissioner, **moved to approve amending the agenda to include the items regarding the bid opening and a petty cash fund and to approve the agenda as amended.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne Yon, Commissioner, **moved to approve purchase orders #11-30634 through #11-31034 and pay jackets.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

Robert L. Bailey, Commissioner, **moved to approve the minutes from the January 6, 2011, January 20, 2011 and the February 3, 2011, regular Commission meetings, erroneous assessments, land consolidations, split tickets and probate documentation.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

Anne yon, Commissioner, **moved to approve handwritten checks to Mountain State Blue Cross and Blue Shield Company, not to exceed \$100,000.00, from the Cabell County Medical Insurance Fund.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

**“BID OPENING” PURCHASE AND INSTALLATION OF SECURITY
EQUIPMENT FOR THE CABELL COUNTY COURTHOUSE**

Chris Tatum, County Manager, informed the Commission that one bid was received for the security equipment. Mr. Tatum stated the bid was from McDaniel Electric Company for \$43,930.00 and a bid bond was attached.

Nancy Cartmill, President, stated the bid would be taken under advisement.

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#036

RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE PLEDGING OF A 30-DAY
LETTER OF CREDIT BY FIRST SENTRY BANK**

Robert L. Bailey, Commissioner, **moved to approve the pledging of a 30-day Letter of Credit by First Sentry Bank.** Anne Yon, Commissioner seconded the motion and the vote was unanimous. **Exhibit (A)**

#037

APPEARING, NICHOLAS E. MAYO, ESQUIRE

**RE: PETITION FOR RESIGNATION OF EXECUTRIX
AND APPOINTMENT OF ADMINISTRATOR, C.T.A.,
D.B.N. IN THE ESTATE OF CHARLES SMITH**

Mr. Nicholas Mayo, Attorney representing Kenneth Smith, stated that Mr. Smith was the son of Charles Smith and a beneficiary in Mr. Smith's will. Mr. Mayo went on to say that Kenneth Smith was appointed Executor of the Estate and had started the process of collecting assets and the completion on the administration of said estate. Mr. Mayo stated the Kenneth Smith commenced legal action on behalf of the estate and due to that action, Mr. Smith's status as Executor was revoked and Jo Ann Jordon was appointed Executrix of the Estate.

Mr. Mayo stated that Mr. Smith, along with other heirs, filed legal action against Jo Ann Jordon and based on the pending litigation, Mr. Smith did not relinquish control or possession of the assets of Charles Smith's estate. Mr. Mayo further stated that that in the settlement of the pending litigation, Jo Ann Jordon agreed to resign as the Executrix of the Estate.

Mr. Mayo requested the petition be granted to accept the resignation of Jo Ann Jordon and that Kenneth Smith be appointed as the Administrator of the Estate and that he be permitted to serve without bond.

William Watson, County Attorney, stated he had reviewed the petition and he would recommend the Commission approve the petition. Mr. Watson further stated that Commissioner, Anne Yon, may want to excuse herself from voting on this item as her husband had been a Fiduciary Commissioner in regards to the estate.

Robert L. Bailey, Commissioner, **moved to approve the petition for the resignation of Jo Ann Jordon as the Executrix of the Estate of Charles Smith and that Kenneth Smith be appointed as the Administrator of the estate of Charles Smith and that he serve without bond.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

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#038

APPEARING, MICHAEL WOELFEL, ESQUIRE

RE: ESTATE OF FRANK VOLK

Mike Woelfel appeared before the Commission and informed them that Mr. Volk's daughter, nor any representative had come forth to be appointed to the estate, therefore, Mr. Woelfel requested that the Sheriff be appointed Administrator of the Estate. Mr. Woelfel stated that Mr. Volk and his wife were both Committee People protected by the Sheriff.

William Watson, County Attorney, suggested that the Sheriff be appointed if Mr. Volk's daughter would provide a letter stating she did not object.

Robert L. Bailey, Commissioner, **moved to appoint the Sheriff as the Administrator of the Estate of Frank Volk, with the understanding that the daughter provides a letter in agreement.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#039

PETITION OF ROBERT A. GRANT, JR.

RE: REQUEST FOR WAIVER OF BOND TO ACT AS

EXECUTOR IN THE ESTATE OF DWIGHT H. MARTIN

Mr. Robert A. Grant appeared before the Commission to request a waiver of bond regarding the estate of Dwight H. Martin. Mr. Grant informed the Commission that he had managed Mr. Martin's finances and had helped Mr. Martin in several other areas.

Mr. Grant stated that he and his wife were named beneficiaries in Mr. Martin's will, but the will did not name an Executor, therefore, he was requesting that he be named Executor of the Estate of Dwight H. Martin and that bond be waived.

Robert L. Bailey, Commissioner, **moved to waive bond for Robert A. Grant, Jr. in regards to the Estate of Dwight H. Martin.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#040

LETTER, DAVID A. TYSON, ESQUIRE

RE: TAX COLLECTIONS

The Commission received a letter from David Tyson requesting his contract be amended to increase his salary by \$6,000.00, retroactive to February 1, 2011, to reflect the number of bankruptcy filings he was working on as well as tax collections.

Anne Yon, Commissioner, **moved to approve the \$6,000.00 increase in Mr. Tyson's contract.** Nancy Cartmill, President, seconded the motion and the vote was unanimous.

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#041 RESOLUTION, CABELL COUNTY COMMISSION

RE: APPOINTMENT

Robert L. Bailey, Commissioner, **moved to approve the appointment of Ben Horton, Jr. to the Salt Rock Sewer Public Service District, to fill a remaining term.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (B)**

#042 RESOLUTION, CABELL COUNTY COMMISSION

RE: APPOINTMENT & REAPPOINTMENT

Robert L. Bailey, Commissioner, **moved to approve the appointment of Clara Rose Sadler and the reappointment of Marion Cox to the Board of Directors of Cabell Huntington**

Hospital. Nancy Cartmill, President, seconded the motion and the vote was unanimous. **Exhibit (C)**

#043

RESOLUTION, CABELL COUNTY COMMISSION

RE: APPOINTMENT

Robert L. Bailey, Commissioner, **moved to approve the appointment of Chris Tatum to the Cabell-Huntington-Wayne Housing Consortium Board of Directors.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (D)**

#044

LETTER, A. GORDON MERRY, III

RE: EMT TRANSPORTATION COORDINATOR POSITIONS

Gordon Merry, CCEMS Director, sent a letter to the Commission requesting three additional employees in order to provide personnel on duty from 7:00 a.m. until 11:00 p.m. Mr. Merry's letter stated this would reduce the workload for E-911 and allow less confusion for transports.

Robert L. Bailey, Commissioner, **moved to approve the additional positions for three coordinators for CCEMS.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#047

**VOLUNTARY PARTICIPATION AGREEMENT, CABELL
COUNTY COMMISSION AND RODNEY AND
DENISE M. CHAPMAN**

Connie Gray, Administrator of Grants, Planning and Permits, explained this would be to purchase land, with grant money, that had flooded several times and was considered to be in the flood plain.

Anne Yon, Commissioner, **moved to approve the voluntary participation agreement between the County Commission and Rodney and Denise Chapman.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous.

#048

LETTER, RESOLUTION AND GRANT APPLICATION

RE: PROSECUTING ATTORNEY'S OFFICE

JUVENILE PROSECUTING ATTORNEY - \$15,200.00

Connie Gray, Administrator of Grants, Planning and Permits, stated the funds from this grant would be used for the continued employment of a full time Juvenile Prosecutor.

Anne Yon, Commissioner, **moved to approve the grant application, in the amount of \$15,200.00, for a Juvenile Prosecuting Attorney.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (E)**

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#049

LETTER, RESOLUTION AND GRANT APPLICATION

RE: PROSECUTING ATTORNEY'S OFFICE

VICTIM ASSISTANCE - \$69,883.00

Mrs. Gray stated the funds from this grant would be used to provide salaries for three full time victim advocates.

Robert L. Bailey, Commissioner, **moved to approve the grant application, in the amount of \$69,883.00, for three victim advocates for the Prosecutor's office.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (F)**

#050

LETTER, RESOLUTION AND GRANT CONTRACT

RE: FY 2011 COMMUNITY PARTICIPATION GRANT

PROGRAM – CONTRACT SUBSTANCE ABUSE

PREVENTION/EQUIPMENT AND SUPPLIES

PROJECT #11LEDA03490 - \$3,000.00

Mrs. Gray informed the Commission the funds from this grant would be used by the United Way of River Cities for their substance abuse prevention program.

Anne Yon, Commissioner, **moved to approve the grant contract, in the amount of \$3,000.00, for the United Way of River Cities for their substance abuse prevention program.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (G)**

#051

LETTER, RESOLUTION AND GRANT CONTRACT

RE: FY 2011 COMMUNITY PARTICIPATION GRANT

PROGRAM AMERICAN RED CROSS

PROJECT #11LEDA0016 - \$2,500.00

Mrs. Gray stated the funds would be used by the Red Cross to purchase supplies and materials relevant to their organization.

Anne Yon, Commissioner, **moved to approve the grant contract, in the amount of \$2,500.00, for the American Red Cross to purchase supplies.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (H)**

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#052

DISCUSSION/ACTION

RE: DATA PROCESSING

Chris Tatum, County Manager, stated that due to an increase on demands for the IT Department, he was requesting a part time employee through the end of the fiscal year.

Robert L. Bailey, Commissioner, **moved to approve the employment of a part time employee for the IT Department through the fiscal year.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#053

RESOLUTION, CABELL COUNTY COMMISSION

RE: IN THE MATTER OF AMENDING THE LEGAL

HOLIDAYS TO INCLUDE OCTOBER 4, 2011,

SPECIAL GENERAL ELECTION

Anne Yon, Commissioner, **moved to approve amending the Legal Holidays to include October 4, 2011, for the Special General Election.** Robert L. Bailey, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (I)**

#054

DISCUSSION REGARDING CONTRACT AGREEMENT

BETWEEN JOHN SAMMONS AND THE PROSECUTING

ATTORNEY/CABELL COUNTY COMMISSION

Chris Tatum, County Manager, informed the Commission that Mr. Sammons was a retired Huntington Police Officer who would be volunteering his services to assist the Prosecuting Attorney.

Robert L. Bailey, Commissioner, **moved to approve the renewal of the Cabell County Airport Authority Owners and Operator's Liability Insurance.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

#058 RESOLUTION, CABELL COUNTY COMMISSION

**RE: IN THE MATTER OF THE CABELL COUNTY
COMMISSION SITTING AS A BOARD OF
EQUALIZATION AND REVIEW – JANUARY 28, 2011
THRU FEBRUARY 15, 2011**

Robert L. Bailey, Commissioner, **moved to approve the minutes from the Board of Equalization and Review and to include an addendum regarding The Hamlets, Pine Haven and Parkview (Exhibit G within the minutes of the Board of Equalization and Review).** Anne Yon, Commissioner, seconded the motion and the vote was unanimous. **Exhibit (L)**

**#059 ESTABLISHMENT OF PETTY FUND CASH FOR
BUILDING PERMITS - \$200.00**

Robert L. Bailey, Commissioner, **moved to approve the establishment of a petty cash fund, in the amount of \$200.00, for building permits in the office of Grants, Planning and Permits.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

PLACE ON RECORD:

Robert L. Bailey, Commissioner, **moved to place on record the minutes from the Culloden Public Service District, Regular Meeting, December 15, 2010 and Special Meeting, January 5, 2011; Pea Ridge Public Service District, Regular Meeting, December 13, 2010; Salt Rock Water Public Service District, Regular Meeting January 11, 2011 and OTHER DOCUMENTATION TO BE PLACED ON RECORD: Audit Report of Pea Ridge Public Service District, for Fiscal Years Ended June 30, 2010 and June 30, 2009; Form No. 6 Certification from Michael Kelemen, Suddenlink Communications and The Bank of New York Mellon, Various Trust Accounts, January 31, 2011.** Anne Yon, Commissioner, seconded the motion and the vote was unanimous.

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Commissioner Bailey stated he would like the Commission President to meet with the other elected officials from Barboursville and Huntington to discuss the Comcast Cable Franchise.

Nancy Cartmill, President, adjourned the meeting at 11:05 a.m., until the next regular scheduled meeting on Thursday, March 3, 2011, at 10:00 a.m.

PRESIDENT, COUNTY COMMISSION

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